



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,985	01/16/2001	Gregory A. Dertz	CM04761H	6028
22917	7590	04/28/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196				PHAM, BRENDA H
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/760,985	DERTZ ET AL.	
	Examiner	Art Unit	
	Brenda Pham	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 December 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-10, 16-28, 34-36 is/are allowed.
 6) Claim(s) 11-15 and 29-33 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 2/19/2003.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

1. Claims 1-36 are pending.
2. Applicant's response regarding restriction requirement has been considered.

The restriction requirement is withdraw. Claims 1-36 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-12, 14-15, 29-30, 32-33 are rejected under 35 USC 102(e) as being anticipated by LANDBERG, Christer (WO 00/33609).

Claims 1 and 29, LANDBERG discloses in a wireless communications system where packets of data are transmitted over a wireless channel, a method and apparatus comprising the steps of: determining a precedence value for each packet to be transmitted over the wireless channel; selecting a packet to be transmitted next over the wireless channel based on the precedence value, wherein the precedence value for each packet is determined based on whether the each packet includes data to set up communications over wireless channel (page 5, lines 1-14).

Claims 12 and 30, LANDBERG further teaches wherein the precedence value for each packet is determined based on whether the each packet includes audio or video data (lines 15-19, page 5).

Claims 14 and 32, LANDBERG teaches wherein the precedence value for each packet is determined based on whether the each packet includes non-delay critical data (page 7, lines 9-12).

Claims 15 and 33, LANDBERG teaches wherein the precedence value for a packet that includes data to set up communications over the wireless channel is of a higher priority than precedence values for other packets (page 5, lines 9-11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over LANDBERG, Christer (WO 00/33609).

Claims 13 and 31, as explained in the rejection statement of claims 11 and 29 (parent claims). LANDBERG discloses all the claim limitation recited in parent claims. Although LANDBERG does not teach wherein the precedence value for each packet is

determined based on whether the each packet includes emergency data, emergency data in very time sensitive application. Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to have emergency data classified in high priority.

Allowable Subject Matter

7. Claims 1-10, 16-28, 34-36 are allowed over prior art.
8. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach in a wireless communication system having a wireless channel with time slots for transmission of both delay-sensitive data and non-delay-sensitive data, a method and apparatus are provided for determining whether a time slot in the wireless channel is to be allocated to delay-sensitive data or non-delay sensitive data. First an ideal slot separation is determined for each delay sensitive application using the wireless channel. Then, for each delay-sensitive application, a number of time slots since a time slot was granted to the delay-sensitive application is calculated. The number of slots since a time slot was last granted is compared with the ideal slot separation for the delay sensitive application. A delay sensitive time slot is allocated if a delay sensitive application has the number of slots since a time slot was granted equal to or greater than the ideal slot separation for that delay-sensitive application.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MORROW et al (US 5,881,060) discloses an integrated cellular voice and digital packet data telecommunications system and method for their operation.

CRISLER et al discloses time slot allocation method.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

April 8, 2005
Brenda Pham

Brenda A. Pham